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Attorneys for Plaintiff  
salesforce.com, inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SALESFORCE.COM, INC., a Delaware  
Corporation,

Plaintiff,

v.

THE COMPUTER MERCHANT, LTD, a  
Massachusetts Corporation,

Defendant.

Case No.: C 07 3556 WHA

STIPULATION AND [PROPOSED] ORDER OF  
DISMISSAL WITH PREJUDICE PURSUANT  
TO RULE 41(a)

AND RELATED COUNTERCLAIMS

Pursuant to Federal Rule of Civil Procedure 41(a) and the settlement agreement entered into by the parties in this action effective February 11, 2008 the parties, by and through their respective undersigned attorneys, stipulate as follows:

1. The Complaint filed by salesforce.com, inc. ("SFDC"), and each and every claim set forth therein, shall be dismissed with prejudice.

2. The Counterclaim filed by The Computer Merchant, Ltd. ("TCML") and each and every claim set forth therein, shall be dismissed with prejudice.

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1           3. The Counterclaim filed by Astadia Consulting, LLC (“ASTADIA”), and each and  
2 every claim set forth therein, shall be dismissed with prejudice.

3           4. SFDC, TCML and ASTADIA each waive all rights to recover costs and attorneys’  
4 fees from each and all of the other parties.

5  
6           **SO STIPULATED.**

7 DATED: March 13, 2008.

McGRANE GREENFIELD LLP

8  
9 By: See Attachment 1  
10 CHRISTOPHER D. SULLIVAN  
11 Attorneys for Counter-Defendant and  
Counterclaimant  
ASTADIA CONSULTING, LLC

12 DATED: March 12, 2008.

GALLO & ASSOCIATES

13  
14 By: See Attachment 2  
15 RAY E. GALLO  
16 Attorneys for Defendant  
and Counterclaimant  
17 THE COMPUTER MERCHANT, LTD.

18  
19 DATED: March 14, 2008.

SULLWOLD & HUGHES

20  
21 By: /S/  
22 JAMES A. HUGHES  
23 Attorneys for  
PLAINTIFF SALESFORCE.COM, INC.

**ORDER**

The parties to this action having so stipulated;

IT IS ORDERED:

(1) the Complaint filed by salesforce.com, inc. is hereby DISMISSED WITH  
PREJUDICE;

(2) the Counterclaim filed by The Computer Merchant, Ltd. is hereby DISMISSED  
WITH PREJUDICE;

(3) the Counterclaim filed by Astadia Consulting, LLC is hereby DISMISSED WITH  
PREJUDICE; and

(4) All parties to this action shall bear their own costs and attorneys' fees.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. William H. Alsup  
UNITED STATES DISTRICT JUDGE